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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 10/807,500 | 03/24/2004 | Eberhard Weihe | 029310.53352US | 4381 |
| 23911 | 7590 | 10/02/2006 | | |
| CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300 | | | EXAMINER ULM, JOHN D | |
| | | | ART UNIT 1649 | PAPER NUMBER |

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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20060926

DATE MAILED:

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Commissioner for Patents

The reply filed on 20 July of 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In the Restriction Requirement that was mailed on 21 April of 2006, Applicant was required to choose an invention in so far as it relates to a polypeptide comprising one of the seven different amino acid sequences recited in the instant claims, which are proteins comprising SEQ ID NO: 2, 4, 6, 8, 10, 12 or 14. In response, Applicant elected "the Group of claims drawn to a screening assay employing a polypeptide that is BNPI". As evidenced by the text bridging pages 48 and 49 of the instant specification identifying, for example, Figure 1b as the amino acid sequence of a human BNPI protein, in view of the disclosure on page 4 therein that Figure 1b is SEQ ID NO:2, the limitation "BNPI" appears to be an undefined generic term that encompasses at least proteins comprising the amino acid sequences presented in SEQ ID NOs:2, 4, 6 and 8 of the instant application. Applicant is again requested to choose an invention in so far as it relates to a polypeptide comprising one of the seven different amino acid sequences recited in the instant claims, or admit on the record that each is an obvious variant of the others. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Ulm whose telephone number is (571) 272-0880. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on (571) 272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN ULM
PRIMARY EXAMINER
GROUP 1800